IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 4706 of 2005

Between:

1 Ranga Sumathi, W/o.R.sudershan,
R/o.plot No.92-E, B.N.Reddy Colony, Rangareddy Dist.
2 N.Bharathi, W/o.Chandya,
R/o.Mathalakunda Thanda, Talakondapally Mandal, Mahbubnagar Dist.
3 N.Sudershan, S/o.Jagna,
Polepalem Thanda, Chintapalli Mandal, Nalgonda Dist.
4 B.Venu, S/o.Jagannadham,
Venkateswaranagar, Nalgonda Dist.
5 Chitti Reddy Penta Reddy, S/o.Narayana Reddy,
R/o.1-5-24/6, Maruthinagar, Kothapet,
Rangareddy Dist.
6 Malulla Mahankali Rao, S/o.Musalaiah,
plot No.21, Balaji Rsidency, Chaitanyapuri,
Rangareddy Dist.
7 T.Purnachader, S/o.Sattaiah,
R/o.12-80, Ramalayam Street,
Deverakonda, Nalgonda Dist.
8 Yempalla Aruna, W/o.Amarender Reddy,
R/o.1-98, Upperguda, Ibrahimpatnam Mandal, Rangareddy District.
9 J.Yadi Reddy, S/o.Basi Reddy,
Gurramguda Village, Saroornagar Mandal, Rangareddy Dist.
10 N.Chandrasekhar Reddy, S/o.N.Malla Reddy,
R/o.6-3, Pedda Amberpet, Hayathnagar Manal, Rangareddy Dist.
11 Ranzan Ali, S/o.Mahaboob Ali,
R/o.Plot NO.12, Nirmalanagar, Karmanghat Village,
Saroornagar Mandal, Rangareddy Dist.
12 Razia Begum, W/o.Ranzan Ali,
R/o.18-5, Gandhinagar, Deverakonda,
Nalgonda Dist.

13 Shabana Begum, D/o.Ranzan Ali,
R/o.18-52, Gandhinagar, Deverakonda, Nalgonda Dist.
14 Maram Srinivasulu, S/o.Mallaiah,
R/o.Deverakonda, Nalgonda Dist.
15 Kunchakuri Thirupathaiah, S/o.K.Narayana,
Nampalli Village and Mandal, Nalgonda Dist.

..... PETITIONERS

AND

1 Govt. of A.P.rep.by its Special Chief Secretary, Revenue Department, Secretariat, Hyderabad.
2 The Sub-Registrar, Champapet, Rangareddy Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus declaring the action of 2nd respondent in not registering and releasing petitioners sale deeds as per G.O.Ms.No.807, Revenue (Registration-I) Department, dt.13-10-2004 as illegal, arbitrary, violation of principles of natural justice, unjust and contrary to G.O.Ms.No. 807, dt. 13-10-2004 and consequently direct the 2nd respondent to release the sale deeds of petitioners after due registration of their respective plots as per G.O.Ms.No.807 dt.13-10-2004 by extending the benefit of judgments in W.P.No.8705/2002, 18277, and 18278/2002 dt.15-12-2004.

Counsel for the Petitioners : MR.K.VENKATESWARLU

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

Petitioners claim to have purchased plots of land in Sy.Nos. 57 to 60 of Karmanghat Village, Saroornagr Mandal, Rangareddy District, from the owners of the said land. Their grievance is that the 2nd respondent, Sub-Registrar, is not entertaining the sale deeds for registration, on the ground that a notification was issued by the Government under Section 22-A of the Registration Act (for short 'the Act'), in respect of the said lands. Petitioners point out that the Government has since revised its order, and as on today, there does not exist any prohibition, in respect of the plots purchased by them.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

In exercise of its powers under Section 22-A of the Act, the Government issued G.O.Ms.No.751, dated 12.12.2001, prohibiting registration of documents, in relation to the land in various survey numbers including Sy.Nos.57 to 60 of Karmanghat Village, Saroornagar Mandal. If this notification is in force as on today, no relief, as such, can be granted to the petitioners. However, the Government issued subsequent orders in G.O.Ms.No.807, dated 13.10.2004. Through this, it has withdrawn its earlier orders in G.O.Ms.NO.751, dated 12.12.2001. As on today, there is no restriction, insofar as it relates to the land in Sy.Nos.57, 58, 59 and 60 of Kharmanghat Village, Saroornagar Mandal. Therefore, there does not exist any prohibition for registration of the lands covered by those survey numbers. On an earlier occasion, this Court dealt with the same aspect in W.P.Nos.8705 of 2002 and batch, and took the view that the documents, in relation to the lands in those survey numbers have to be entertained and processed.

For the foregoing reasons, the writ petition is allowed, and the 2nd respondent is directed to process the documents presented by, or on behalf of the petitioners, and take necessary steps in accordance with law.

A fact, which needs to be noticed in this case is that the 2nd respondent passed an order on 18.10.2002 refusing to entertain the documents, in view of the

orders issued by the Government in G.O.Ms.No.751, dated 12.12.2001. Strictly speaking, the petitioners are required to avail the remedy of appeal. However, since it has emerged that the Government by itself had withdrawn the orders in G.O.Ms.No.751, dated 12.12.2001, the petitioners cannot be required to undergo the ordeal of preferring an appeal. Hence, the 2nd respondent shall process the documents presented by the petitioners, without reference to G.O.Ms.No.751, dated 12.12.2001, or the endorsement made by him on 18.10.2002. There shall be no order as to costs.

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(L.NARASIMHA REDDY,J)

Date: 10-03-2005

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To

1 The Special Chief Secretary, Govt. of A.P., Revenue Department, Secretariat, Hyderabad.

2 The Sub-Registrar, Champapet, Rangareddy District.

3 2 C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T)

4 2 CD copies